

# Defining *Ineffective Teacher* Under the Every Student Succeeds Act (ESSA): A Discussion Guide

## Introduction

Under the Every Student Succeeds Act (ESSA), states must take steps to improve equitable access and ensure that minority and low-income students are not disproportionately served by *ineffective teachers*. In 2015, as part of the Excellent Educators for All initiative, states developed plans to ensure equitable access to excellent educators. This process led to significant collaboration across diverse educational stakeholders and created political will and momentum around the topic of equity. Many states now are considering how their previous equity work fits into the broader process of developing their state plans under ESSA.

Although many of the equity-related provisions are maintained under ESSA, there was one key change: States now must ensure that low-income and minority students are not served at disproportionate rates by *ineffective teachers*, as opposed to unqualified ones. However, the law does not define *ineffective teachers*, allowing each state to determine its own definition. Although this is just one of the many key decisions that states must make as they develop their state plans under ESSA, it has the potential to illuminate inequities in educational access and support states to develop and implement strategies to close these gaps.

This discussion guide is intended to support states in developing a definition of *ineffective teachers* for use in efforts to ensure all students, particularly those from disadvantaged backgrounds, have access to effective teachers. In it, we offer key considerations to guide state conversations. Specifically, we present three considerations related to defining *ineffective teachers*. After each consideration, we offer discussion questions to help begin conversations among state teams.

As you work through this guide and consider how to define *ineffective teachers* to improve equitable access, there are some general questions to also keep in mind:

- How can your state minimize costs and time burden for districts and educators?
- How can your state maximize educator and other stakeholder engagement?
- How can your state create coherence across the various state data-reporting and plan-development requirements?
- How does the existing evidence base support policy and practice in your state?

It is also important to bear in mind that the federal regulations and guidance concerning this aspect of ESSA implementation are not final at this time. The considerations presented in this document are intended only to inform conversations as states await more definitive guidance from the U.S. Department of Education.

## Relevant Requirements and Proposed Regulations

ESSA contains two specific requirements related to the definition of *ineffective teachers*. In addition, proposed regulations also reference this definition.

### Requirements

Two specific areas in ESSA reference the distribution of teachers by performance levels:

- Section 1111(g)(1)(B) of Title I states that each state plan *shall* discuss “how low-income and minority children enrolled in schools assisted under this part are not served at disproportionate rates by *ineffective*, out-of-field, or inexperienced teachers” (emphasis added).
- Title II, Part A *authorizes* states to use funds for “improving equitable access to effective teachers.” If states use Title II funds in this way, then they must describe the purpose in their state applications as well as report on the use of funds for this purpose.

### Proposed regulations

There also is relevant proposed regulatory language that provides details on these requirements. Specifically, proposed regulation 299.18(c)(2)(i) specifies that the definition of *ineffective teachers* may be statewide or developed by local educational agencies (LEAs) using statewide guidelines.

## Consideration 1: Should Your State Define Ineffective Teacher Using Evaluation Ratings, Develop a New Measure, Leave it Up to Local Discretion, or Take Another Approach?

Many states have made significant progress during the past several years in defining and measuring teacher performance, whereas other states are still early in these conversations. Where does your state fall? And how prescriptive does your state wish to be in the choice of measures afforded to districts? As a starting point, we suggest consideration of the following three possible broad approaches. The appendix provides more information about these approaches, including our assessment of the strengths and weaknesses of each.

***Approach 1: Use existing educator evaluation systems.*** If your state has in place a statewide teacher evaluation system or district-mandated systems that produce effectiveness data in which the state has confidence, this measure is clearly one option to use for identifying equity gaps.

***Approach 2: Select from available indicators of effectiveness to develop a new measure.*** As an alternative to using evaluation system data, we suggest considering other available indicators of effectiveness and their strengths and weaknesses. Stakeholders within your state could help determine which combination of definitions and measures are most meaningful in your state’s context.

***Approach 3: Allow LEAs to develop locally specific measures within a set of parameters.*** In this third approach, we suggest your state consider delegating to LEAs how they individually

choose to define *ineffective teachers* for the purposes of equity reporting and addressing equity gaps, with guidance about acceptable measures or quality of information used in this definition.

Whichever approach is chosen, it is important to note that currently available indicators to measure effectiveness are not equally strong. The evidence base related to the various possible measures does not point to an ideal one. Each indicator has strengths and weaknesses, as well as potential unintended consequences that we believe should be considered. A list of potential indicators to use for a definition of *ineffective teachers* can be found in the appendix.

We also suggest that states consider engaging in continuous improvement of the accuracy and consistency of any measures by regularly monitoring quality and revising as needed. Efforts to continuously improve the accuracy and consistency of teacher effectiveness measures could take many forms, such as evidence about the completeness or quality of the data, the correlation between the measures and other data points, the predictive ability of measures as they relate to teachers' future employment, graduation rates of those taught by teachers with a given level of effectiveness, or other outcomes.

### **Discussion questions**

1. Which of the three approaches described earlier (using existing educator evaluation system measures, selecting from available indicators, or allowing LEAs to develop measures) best fit your state context? Why is this approach the most appropriate choice?
2. If none of the three approaches are ideal, how could the approach that best fits your context be changed right now to better meet your state's needs? How can it be improved upon over time?
3. Consider the information in the appendix. Does a more complete view of the strengths and weaknesses of each approach change your answers to Questions 1 and 2?
4. Does your state already continually examine and improve its measures of effectiveness? If not, what would it take to begin the process of continuous improvement?

### **Consideration 2: How Can Your State Consider the Preponderance of Evidence When Defining *Ineffective Teacher*?**

The equity planning process in 2014–15 revealed that longstanding challenges in coming to consensus on a practical and acceptable definition of *ineffective teacher* (or effective teacher) persist. Therefore, we would suggest states consider the preponderance of evidence when establishing a definition of *ineffective teacher* for the purposes of equitable access reporting and planning. That is, states could examine multiple measures (e.g., a range of performance measures) of effectiveness over time to identify *ineffective teachers*, as well as continue to track experience levels and out-of-field status. In so doing, states may be better able to create a more holistic picture of the teaching force and students' access to effective teachers. For example, this could include consideration of access to positive learning conditions (which is one of the options for the third measure in accountability reporting required by ESSA). Or states could consider an approach in which teachers who meet one or more of a certain set of criteria are considered *ineffective* for the purposes of equitable access reporting. Those states using their evaluation data to define *ineffective teachers* (i.e. Approach 1) may want to also consider additional measures to

inform their equitable access analysis, though such measures may not be part of their definition of *ineffective*.

Ultimately, we believe a preponderance of evidence helps to establish rigor of definition and a rationale and defense for the cut point of who is deemed *ineffective* for the purposes of reporting and planning.

### **Discussion questions**

1. What measures of effectiveness already are used in your state? What additional measures could be considered?
2. What are the potential benefits and challenges to including multiple measures in the definition of *ineffective teachers*? How could challenges be overcome?

### **Consideration 3: Should Your State Define *Ineffective Teachers* as Those Who Have Not Reached the Bar of *Effective*?**

Many states with existing evaluation systems that use more than two levels of performance often use the term *ineffective* to describe the very lowest performance level. Relying on this definition of *ineffective* (i.e., Approach 1) is likely to be less useful for assessing gaps in equitable access (since low-income and minority students would not be well served if they were disproportionately assigned teachers deemed to “need improvement” or other performance categories in states’ evaluation systems that are above *ineffective* but not yet “effective” or “highly effective”). Furthermore, most states’ current teacher evaluation systems identify a fairly small percentage of teachers who are *ineffective*, which would likely not move the needle on addressing gaps in equitable access to teachers that are effective or highly effective.

Therefore, we would suggest that regardless of the approach chosen for measuring effectiveness, states consider whether in their context it would make sense to set a cut point (or bar) that designates all teachers as *ineffective* who have not reached the bar of “effective” based on a preponderance of evidence (see Consideration 2) for the purposes of equitable access reporting and planning.

### **Discussion questions**

1. Does your state currently have a definition (or definitions) of *ineffective* as part of an existing evaluation system? If so, are there designations of performance that sit between *ineffective* and “effective” as described?
2. What would be the implications in your state of defining *ineffective teacher* as the very lowest performance level, rather than as a teacher that is “less than effective?”
3. Are there other measures in use in your state that may reflect “less than effective” to be considered for use in equitable access planning and reporting? (For example, probationary teachers, teachers with 1 year of experience, teachers with emergency credentials?)

## **Appendix. Approaches to Defining *Ineffective Teachers***

This appendix provides considerations related to the strengths and weaknesses of the three broad approaches to defining *ineffective teachers* described in Consideration 1.

### **Approach 1: Use Evaluation Systems to Define an *Ineffective Teacher***

Several states, including Tennessee, Kentucky, and North Carolina, used their state’s teacher evaluation data in their 2015 equity plans. Other states indicated that they had plans to use teacher evaluation data in the future, once the evaluation system was fully implemented and considered valid and reliable. One option therefore is for states to consider the continued use of the evaluation data if they believe these data are accurate.

#### **Strengths and weaknesses of this approach**

On the one hand, of all the measures available to assess teacher effectiveness, evaluation ratings, at least in theory, are the most directly representative of a teacher’s effectiveness. Teacher evaluations typically capture effectiveness from a number of angles as assessed by trained evaluators and are aligned with the standards that are important in any state context. Given the effort and resources that went into design and implementation of many teacher evaluation systems, states also may wish to capitalize on these measures. In addition, this approach may provide for coherence in the state’s reporting and planning.

However, states cited several issues with using evaluation system ratings in their 2015 state equity plans. In some instances, the state lacked power to collect the evaluation data from districts. In other instances, there was not yet confidence that the evaluation systems were valid and reliable, or that the evaluation ratings accurately reflected effectiveness for all teachers. Indeed, given how few teachers often are rated *ineffective* using these data, relying solely on the definition of *ineffective* in the evaluation system may not provide useful information for equitable access planning or reporting. To mitigate this issue, states could consider the preponderance of evidence emerging from additional measures (e.g., a range of performance measures, positive learning conditions) over time alongside their evaluation system ratings. Although such additional measures may not be part of the definition of *ineffective*, they can inform the overall equitable access analysis.

### **Approach 2: Select from available indicators of effectiveness to develop a new measure.**

Under this second approach for defining *ineffective* teachers, states could consider available indicators, along with some information about their strength as a measure of effectiveness, to select a set on which all of their districts must report. Some of these indicators may be incorporated into existing teacher evaluation systems; others may not. This could include the following indicators:

- value-added measures or student growth measures,
- student learning objectives (SLOs),

- classroom observations,
- student surveys,
- emergency credentials,<sup>1</sup>
- teacher absences,
- teacher engagement,
- teacher misconduct, and
- learning conditions.

Since two of the indicators (emergency credentials and teacher engagement) also may be collected and reported for other Title I purposes, utilizing these might offer benefits in terms of efficiency and coherence. States may well already be collecting some of these data for other purposes, as well, and could easily use it for this equitable access reporting and planning.

### **Strengths and Weaknesses of This Approach**

We believe the research base is too limited to use any one indicator as a complete representation of teacher effectiveness, and so developing a new measure based on a set of indicators that goes beyond any existing teacher evaluation data (if it exists) may be beneficial.

However, developing and selecting from available indicators would likely require significant additional stakeholder engagement (though engaging stakeholders wherever possible has many advantages) and possibly investment in new data collection as well..

### **Approach 3: Allow LEAs to Develop a Locally Specific Definition Within a Set of Parameters**

Allowing LEAs to develop locally specific definitions for an *ineffective teacher* within a set of statewide guidelines is explicitly allowable under the proposed regulations (i.e. 299.18(c)(2)(i)). This approach might be especially useful for states that already are encouraging or requiring their districts to develop local equity plans (e.g., Texas, Massachusetts, and Delaware). ESSA requires any LEA receiving Title I funds to submit a local plan discussing how they are going to address equity gaps. The guidelines for state approval of the locally determined definitions might include factors such as (1) the district's rationale for their selection, the evidence base for measures selected, and efforts they are taking to continually improve on and assess the accuracy and consistency of the data used to measure their locally selected definition of *ineffective teacher*; (2) the selection of a definition and associated measures involved stakeholder engagement; or (3) the definition aligns with or includes certain state priorities.

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<sup>1</sup> It is worth noting that ESSA requires state report cards to present the following (in the aggregate and disaggregated by high- and low-poverty schools):

- inexperienced teachers, principals, and other school leaders,
- teachers teaching with emergency or provisional credentials, and
- teachers who are not teaching in the subject or field for which the teacher is certified or licensed.

Therefore, states could realize efficiencies by collecting and reporting teacher emergency credential information for both accountability and equitable access purposes.

## **Strengths and Weaknesses of This Approach**

This approach creates an extra burden for districts (as well as for the state that would have to vet these definitions), but it could be an opportunity for more effective statewide dialogue among educators across locales that may result in more “buy-in,” greater understanding of the complexities of measuring teacher effectiveness, and a more contextually relevant selection of measures. However, if district selections vary considerably, then this approach also could create challenges for the state to understand how equitable access compares across districts.